

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:12-cr-259-DPM

LEO S. DARROUGH JR.

Reg. No. 27301-009

DEFENDANT

ORDER

Darrough moves for immediate release under 18 U.S.C. § 3582(c)(1)(A)(i) based on the ongoing COVID-19 pandemic and the risk it presents to his health. *Doc. 76*. The Court has also received the attached letter from Darrough's son in support of the motion. Darrough asked the Bureau of Prisons to file a compassionate release motion on his behalf and did not receive a timely response. *Doc. 76 at 3*. He therefore can seek relief from this Court. 18 U.S.C. § 3582(c)(1)(A).

Darrough is a black man in his late thirties who has a history of kidney issues, including acute renal failure. Darrough has served almost seventy-five percent of his ten-year federal sentence. With credit for good behavior, he will complete his sentence in November 2022. He's had only one disciplinary while in the Bureau of Prisons; and he's completed programs and a college course while incarcerated.

The Court commends Darrough for redeeming his time while in prison and for all the good progress he's made. But his felon-in-possession offense involved significant danger to the public; and his criminal history includes other similar episodes. Further, FCI Herlong—where Darrough is housed—currently has just five positive cases and has fully vaccinated more than 250 inmates and staff. <https://www.bop.gov/coronavirus> (accessed 31 March 2021). In the circumstances, reducing Darrough's sentence by almost two years would not promote respect for the law, provide just punishment, reflect the seriousness of his offense, or adequately deter him and others. All material things considered, the statute's remedy—reducing Darrough's sentence to time served—is not appropriate in this case. 18 U.S.C. §§ 3582(c)(1)(A)(i) & 3553(a). His motion, *Doc. 76*, is therefore denied.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

31 March 2021

Dear

Mr. Judge D.P. Marshall Jr.

My name is Lebron Shawn Darcough I am Leo Shawn Darcough Jr. Son. I am writing this letter Hoping and Praying Sir... that you will give me and my Father the time to rewrite. On August 29th, 2020 I turned 16 am in the 11th grade and am need my Father rest of my years. Sir... Will you take the time and Patient to be able to gain what I lost. Can u please Sir let me be able to let my Father Join me as am growing up. I'm begging and pleading Sir... Will let me get my time back with my Father its been Challenge in life with out him helping me with my homework, going to play sports, exercise, video game and also all other memories Sir... I need my Father Please Somewhere send him home this what I pray for every night. My life is incomplete Without my Father thank you For reading this message I have Faith that he will be home.